

EXTRA INFO. 6/25/07

**Christine Joyce**

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**From:** John Murray  
**Sent:** Monday, June 25, 2007 6:34 AM  
**To:** Don Johnson  
**Cc:** Manager Department  
**Subject:** RE: Acton/Grace Sewer Mediation: Settlement Discussions and Multiple Proof of Claim Issue

Let us do it tonight.

John

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**From:** Don Johnson  
**Sent:** Sunday, June 24, 2007 11:04 PM  
**To:** John Murray  
**Subject:** FW: Acton/Grace Sewer Mediation: Settlement Discussions and Multiple Proof of Claim Issue

John:  
What do you think? Should we take it to the Board tomorrow night or go with him for now and let you guys make the conflict determination later?

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**From:** Stephen Anderson  
**Sent:** Sunday, June 24, 2007 5:10 PM  
**To:** Don Johnson; John Murray  
**Cc:** Douglas Wilkins  
**Subject:** RE: Acton/Grace Sewer Mediation: Settlement Discussions and Multiple Proof of Claim Issue

Gents:

Tom Bean is sitting on the stipulation on the multiple claim issue, awaiting a response to the waiver issue below. Please let me know if the Board consents to Tom's continuing representation of the Town in the bankruptcy matter on the terms described below.

Steve

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**From:** Stephen D. Anderson  
**Sent:** Thursday, May 31, 2007 10:07 AM  
**To:** 'Don Johnson'; 'John Murray'  
**Cc:** Douglas Wilkins  
**Subject:** FW: Acton/Grace Sewer Mediation: Settlement Discussions and Multiple Proof of Claim Issue

Gents:

Tom Bean has been the Town's bankruptcy counsel on the Grace matter as needed over time. We have occasion to need his services/signature now on the proposed stipulation resolving the multiple proofs of claim issue in the bankruptcy matter. (Tom has reviewed it and is OK with it, but we need him to sign it since he officially represents the Town in the Delaware bankruptcy matter.)

To sign and file the pleading, Tom needs to open a matter at his new firm. (Tom has bounced around from firm to firm over the years.) Tom has run a conflicts check, the results of which are set forth below.

6/25/2007

In light of the disclosure below, please let me know whether the Town will waive any conflict that might exist in connection with Tom's representation of the Town in the Grace bankruptcy. The current "multiple claim" issue is primarily administrative, so I do not think there is a problem waiving any conflict as to Tom's involvement on this issue or similar non-contested issues as they may arise. If matters proceed to contested litigation with Grace in the Delaware bankruptcy court in the future, the Town could always revisit whether to use Tom at that stage or not.

Steve

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**From:** TBean@mwe.com [mailto:TBean@mwe.com]  
**Sent:** Thursday, May 31, 2007 9:26 AM  
**To:** Stephen D. Anderson  
**Subject:** RE: Acton/Grace Sewer Mediation: Settlement Discussions and Multiple Proof of Claim Issue

Steve, in the process of opening the matter for the Town re: W.R. Grace, I ran a conflict check. I want the Town to know that McDermott has counseled and represented Grace in connection with environmental issues before administrative agencies and authorities in connection with several Massachusetts properties. One of those properties is in the Town of Acton, the former Daramic property.

Grace has agreed to waive any conflict that might exist in connection with my representation of the Town in the Grace bankruptcy. Will the Town agree to waive any conflict arising from the Firm's representation of Grace in connection with environmental matters involving the Town?

Please let me know if you have any questions concerning the foregoing or require any further information.

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6/25/2007